

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JAMES L. DEAN,	)	
Plaintiff,	)	4:09CV3144
v.	)	
RICHARD T. SMITH, et al.,	)	
Defendants.	)	
LOIS P. WHITE, as Personal	)	4:09CV3145
Representative of the Estate of	)	
Joseph White, deceased,	)	
Plaintiff,	)	
v.	)	
COUNTY OF GAGE, NEBRASKA, et al.,	)	
Defendants.	)	
KATHLEEN A. GONZALEZ,	)	4:09CV3146
Plaintiff,	)	
v.	)	
RICHARD T. SMITH, et al.,	)	
Defendants.	)	
THOMAS W. WINSLOW,	)	4:09CV3147
Plaintiff,	)	
v.	)	
RICHARD T. SMITH, et al.,	)	
Defendants.	)	
ADA JOANN TAYLOR,	)	4:09CV3148
Plaintiff,	)	
v.	)	
RICHARD T. SMITH, et al.,	)	
Defendants.	)	
DEBRA SHELDEN,	)	4:11CV3099
Plaintiff,	)	
v.	)	
COUNTY OF GAGE, NEBRASKA, et al.,	)	
Defendants.	)	

**MEMORANDUM AND ORDER**

To avoid ambiguity under this court's local rules, the Eighth Circuit Court of Appeals Local Rules (8<sup>th</sup> Cir. R.) and the Federal Rules of Civil Procedure, and because the prevailing parties have not sought an award of attorney fees and costs from the Court of Appeals under

8th Cir. R. 47C or sought a remand to this court pursuant to Rule 47C as are the customary alternative practices, and yet it appears that notwithstanding these omissions this court may nevertheless have jurisdiction, *Little Rock Sch. Dist. v. State of Ark.*, 127 F.3d 693, 696–97 (8th Cir. 1997),

IT IS ORDERED that:

1. No later than the close of business on Friday, August 10, 2018, the prevailing parties who filed the motion for attorney fees and costs (filing no. 700) and the index (filing no. 701), but without a brief, shall file a brief addressing whether the motion is timely, whether the motion is in compliance with the local rules of this court, the Eighth Circuit Court of Appeals Local Rules, the Federal Rules of Civil Procedure, and whether the law and the facts warrant the relief sought on the merits.
2. No later than the close of business on Wednesday, August 22, 2018, any party who opposes the granting of the motion for attorney fees and costs shall file a brief and index of evidence in opposition.
3. If an opposition described in the preceding paragraph is filed, the prevailing parties may submit a reply brief and additional affidavits in reply no later than the close of business on Wednesday, August 29, 2018.

August 1, 2018.

BY THE COURT:

s/ *Richard G. Kopf*

Senior United States District Judge